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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,700	11/21/2001	Shinpei Okajima	SHM-98-005-5	3833

7590 02/28/2002

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 02/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/001,700

Applicant(s)  
Okajima et al.

Examiner  
Vanaman

Art Unit  
3611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 48-72 and 145-147 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48, 53-64, 69-72, and 145-147 is/are rejected.
- 7) ☒ Claim(s) 49-52 and 65-68 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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### **Oath/Declaration**

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the post office address of each inventor. A post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The post office address should include the ZIP Code designation. The addresses provided as post office addresses for each inventor appear to be duplicates of the respective residences, including only city, prefecture and country, and do not appear to be complete mailing addresses.

### **Specification**

2. The application is objected to because of alterations which have not been initialed and/or dated as is required by 37 CFR 1.52(c). A properly executed oath or declaration which complies with 37 CFR 1.67(a) and identifies the application by application number and filing date is required. Note the specification at page 25, line 13, where a numeral has been bracketed out and replaced with a penned-in numeral.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 48, 53-63, 70-72 and 145-147 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (US 4,973,073, cited by applicant) in view of Lin (US 5,259,270). Raines teaches a binding system for connecting a boot (180) to a snowboard (14), including a cleat (160) which may be attached to the underside of the boot, first (60) and second (70) main bodies which may be affixed to a plate (150) having a plurality of apertures (154, 152) for connecting the plate to a snowboard, the first main body including an opening (under 62) for accommodating a first tab (42), the opening being further defined by a top retaining bar (proximate numeral 62) and a pair of walls (proximate apertures 64), the second main body including a latch (76-77) which is pivotally mounted (bar 94, bushings 82) and biased by springs (80), having first legs (100) which engage the latch, and second legs (96) which are engaged by a portion (98) of the second main body; the latch engaging a tab (50, better illustrated at figure 4 as 160, 164, 165 ...) at a second end of the cleat, the latch having a recess which accommodates the tab, the recess framed by a pair of side walls (86) in which apertures (88) for the pivoting bar, the recess extending away from the surface of the latch which faces the first main body, the latch having a bevel notch (104) which allows the latch to be pivoted to a release position temporarily against the force of the spring when it is engaged by a mating bevel (e.g., proximate 167) on the cleat.

The reference of Raines fails to teach the first main body and first cleat portion as being arranged at a front of a boot, and the second main (latch) body and second cleat portion as being arranged at a rear of a boot, the first, front main body having a taper, the front cleat portion being lower than the rear portion, and as regards claims 145-147 the forward pivoting of the latch being blocked by the engagement of the forward facing portion of the latch with a rearward facing portion of the main body. Lin teaches an attachment device for a shoe wherein a cleat (80) is provided for the underside of a shoe, the cleat having a lower first forward portion and a higher rearward second portion (see figure 3), the front portion (62) of a main body having a taper (figure 5), the rear portion being pivotal, wherein a forward face of a rear pivoting latch (53)

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engages with a rear face of the main body (60) to prevent further forward motion of the latch. It would have been obvious to one of ordinary skill in the art at the time of the invention to orient the binding of Raines with the first portions forward and the second portions rearward, as suggested by the orientation of the attachment device of Lin, for the purpose of allowing a user to attach the shoe to the board without requiring side-to-side rocking. Further it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a taper to the first portion of Raines as suggested by Lin for the purpose of allowing the binding to be seated in a simpler manner, reducing the time required to connect the boot to the board. Further, as regards claims 145-147, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide to the binding of Raines an abutment as taught by the rearmost portion of the main body of Lin to engage a front facing portion of the latch, as taught by Lin for the purpose of reducing inward or forward travel of the latch element, and to reduce the apparent vertical profile of the latch above the main body.

As regards claim 54, it is old and well known to provide a greater number of a particular element to increase the effectiveness of the element, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide plural bevel surfaces for the purpose of allowing the bevel engagement to occur from additional directions or orientations. As regards claim 61, the provision of elongated holes for adjustment purposes is very well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the plurality of apertures (e.g., 154) taught by the attachment arrangement of the plate of Raines as modified by Lin with a plurality of oblong apertures or holes for the purpose of allowing a greater degree of adjustability.

5. Claims 64 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines in view of Lin and Bourdeau (US 5,595,396, cited by applicant). The references of Raines and Lin are discussed above and fail to teach the cleat as being located above the bottom surface of the

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shoe. Bourdeau teaches the provision of a snowboard binding which connects a shoe to a board, wherein an engagement element (28) is recessed such that it is located above a bottom of the shoe sole. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cleat of the shoe and binding of Raines as modified by Lin recessed such that it is above the bottom surface of the shoe sole, for the purpose of reducing the overall vertical height of the shoe when it is installed on the binding.

#### **Allowable Subject Matter**

6. Claims 49-52 and 65-68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Salomon (US 4,139,211), Schwartz (US 4,358,131), Freisinger et al. (US 4,616,843), Pozzobon (US 4,836,572), Pozzobon et al. (EP 229,267), Freisinger et al. (DE 37 11 075), Debersee et al. (WO 91/11232) teach attachment systems of pertinence.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents  
Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;  
informal or draft communications may be faxed to the same number but should be  
clearly labeled "UNOFFICIAL" or "DRAFT")

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3611**

F. Vanaman  
February 19, 2002

